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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,018	05/24/2001	James E. Kleckner	CNX00-0002	5188
7590	06/14/2006		EXAMINER	
A. Richard Park Park & Vaughan LLP 508 Second Street, Suite 201 Davis, CA 95616			HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/866,018	KLECKNER ET AL.	
	Examiner	Art Unit	
	Lalita M. Hamilton	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12062002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3-5, 11, 13-15, 21, and 23-25 are rejected for comprising conditional statements in the claims. It is unclear what is to happen "if" the limitation does not occur.

The remaining claims are rejected for their dependency upon the rejected claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11-19, and 21-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Orrin (2002/0128940).

Orrin discloses a method and corresponding computer-readable storage medium and apparatus for electronically presenting records requiring a digital signature comprising receiving a request to make the amendment to the financial transaction, wherein the financial transaction was previously agreed upon between a first party and a second party, wherein the request is received from a first representative of the first plurality and includes a suggested change to at least one term of the financial transaction (p.6-7, 77-83); validating that the first representative of the first party digitally signed the request by using a public key of the first representative to verify that the request was signed by a corresponding private key belonging to the first representative (p.3, 31-32 and p.7, 84-86); if the validation establishes that the first representative signed the request and if the second party desires to agree to the request (p.3, 31-32 and p.7, 84-86); allowing a second representative of the second party to confirm the request by digitally signing the request with a private key belonging to the second representative, and returning the confirmed request to the first party (p.3, 31-32 and p.7, 84-86); prior to confirming request, validating that the first representative has permission to agree to the amendment by verifying that permission information for the first representative is digitally signed by a trusted entity (p.3, 31-32 and p.7, 84-86); if the validation establishes that the first representative signed the request, and if the second party does not agree to the request, but instead desires to propose counter-terms, allowing the second party to propose counter-terms by: creating a responding request including a responding amendment with the counter terms allowing the second representative of the second party to digitally sign the responding request with a private

key belonging to the second representative, and sending the signed responding request to the first party (p.6-7, 77-83); validating that the second representative of the second party digitally signed the responding request by using a public key of the second representative to verify that the responding request was signed by a corresponding private key belonging to the second representative, and if the validation establishes that the second representative signed the responding request, and if the first party desires to agree to the responding request, allowing the first representative of the first party to confirm the responding request by digitally signing the responding request with a private key belonging to the first representative, and returning the confirmed responding request to the second party (p.3, 31-32 and p.6-7, 83); prior to allowing the first representative to confirm the responding request, validating that the second representative has permission to agree to the amendment by verifying that permission information for the second representative is digitally signed by a trusted entity (p.3, 31-32 and p.6-7, 83); recording the request and any response to the request in a database (p.1, 15); validating an identity of the first party by using a public key of a certification authority to verify that a certificate containing the public key of the first party was signed by a corresponding private key belonging to the certification authority, wherein the signing by the certification authority indicates that the certification authority has verified the identity of the first party (p.3, 31-32 and p.6-7, 83); wherein receiving the request from the first party involves receiving the request from a trade facilitator that previously received the request from the first party, and wherein returning the confirmed request to the first party involves forwarding the confirmed request to the first party through the

trade facilitator (p.2, 24-25); and prior to receiving the request to make the amendment, allowing the first representative of the first party to obtain permission to amend the financial transaction by sending a request for permission to a first security officer associated with the first party, and allowing the first security officer to digitally sign a permission record to indicate the first representative has permission to agree to the amendment (p.2, 24; p.3, 31-32 and p.6-7, 83).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orrin in view of Stone (2002/0128958).

Orrin discloses the invention substantially as claimed and further discloses that the invention may be used in any market, which may include the foreign exchange market (p.9, 115); however, Orrin does not disclose wherein the financial transaction involves foreign exchange, and wherein a trade record for the financial transaction includes a trade identifier, a trade date, an identifier for a first currency, a first currency amount, an identifier for a first organization providing the first currency, an identifier for a second currency, a second currency amount, and an identifier for a second organization providing the second currency. Stone teaches a method and corresponding computer-readable storage medium and apparatus comprising the use of digital signatures in

foreign exchanges (p.2, 17-18 and p.9, 104—in the foreign exchange, it is well known to provide the trade record for the financial transaction includes a trade identifier, a trade date, an identifier for a first currency, a first currency amount, an identifier for a first organization providing the first currency, an identifier for a second currency, a second currency amount, and an identifier for a second organization providing the second currency). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a trade record for the financial transaction includes a trade identifier, a trade date, an identifier for a first currency, a first currency amount, an identifier for a first organization providing the first currency, an identifier for a second currency, a second currency amount, and an identifier for a second organization providing the second currency, as suggested by Stone into the invention disclosed by Orrin, to provide an alternative use for the digital signatures and amendments to financial transactions.

Provisional Application Listed on PTO-892 form

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to

this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lalita M. Hamilton
Primary Examiner, 3624